

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

DYLAN CORRAL,

Defendant.

Case No. 2:22-cr-00048-JCC-TLF

ORDER

The Competency Hearing for Mr. Corral is set for May 24, 2024, at the United States District Court in Sacramento, California in accordance with *Pate v. Robinson*, 383 U.S. 375, 385 (1966); *Drope v. Missouri*, 420 U.S. 162, 172 (1975); *Dusky v. United States*, 362 U.S. 402 (1959); and 18 U.S.C. §§4241, 4247. See also Dkt. 172.

The Government is DIRECTED to submit a proposed order and a subpoena no later than close of business on Wednesday, May 8, 2024, for Dr. Saldanha's appearance at the competency hearing.

The Defense is DIRECTED to file with the Court (along with appropriate documents requesting sealing of any confidential information) Mr. Corral's mental health records from the period of his incarceration at the Metropolitan Detention Center-Los Angeles on or before May 8, 2024. See Dkt. 155. The record indicates that Dr. Saldanha reviewed these mental health documents and he stated previously (during the hearing on April 1, 2024) that he would testify about whether these records changed his opinions and conclusions. See Dkt. 164 at 10:4-17.

1 Finally, the parties are directed to meet and confer, and submit – by close of
2 business on Wednesday, May 8, 2024 –proposed order(s) along with their subpoenas
3 for any other documents not already produced, relevant to the issue of Mr. Corral's
4 competency, and subpoenas for any other witnesses relevant to the issue of
5 competency, that they intend to have testify. Any new documents acquired that are
6 relevant to the competency issue, or witnesses that will be called for the competency
7 hearing, must be disclosed to opposing counsel and provided to the Court no later than
8 close of business on Monday, May 20, 2024.

9 Dr. Saldanha will be an in-person witness for the hearing on May 24, 2024, and
10 will testify during the evidentiary hearing regarding Mr. Corral's competency to stand
11 trial. If Dr. Saldanha intends to file a supplemental report, he may do so on or before
12 Tuesday, May 21, 2024.

13 The Court confirms that the burden of proof and burden of persuasion will be with
14 the Government – to prove by a preponderance of the evidence that the Defendant is
15 competent to stand trial. *See United States v. Quintero*, 995 F.3d 1044, 1054-1056 (9th
16 Cir. 2021) (the Court may commit a pretrial detainee for restoration of competency only
17 if it finds, by a preponderance of the evidence, that the defendant is not presently
18 competent.)
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1 The undersigned will issue Findings and Recommendation to District Judge
2 Coughenour after the evidentiary hearing.

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5 Dated this 1st day of May, 2024.
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9 Theresa L. Fricke
10 Theresa L. Fricke
11 United States Magistrate Judge
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